

## Business Notices.

**F. Y. R.—FRENCH YORK SHIRTS.** New style, made to order, and warranted to fit, at the lowest price. Also, a large stock of FRENCH FURNISHING GOODS, in the city, and at the lowest prices. Also, a large stock of FRENCH FURNISHING GOODS, in the city, and at the lowest prices. Also, a large stock of FRENCH FURNISHING GOODS, in the city, and at the lowest prices.

**STEAMER & MARINE'S** Warehouse, 100 Broadway, New York. Also, a large stock of FRENCH FURNISHING GOODS, in the city, and at the lowest prices. Also, a large stock of FRENCH FURNISHING GOODS, in the city, and at the lowest prices.

**GROVER & BAKER'S** celebrated FAMILY SEWING MACHINES. New Styles—Price from \$50 to \$125. Also, a large stock of FRENCH FURNISHING GOODS, in the city, and at the lowest prices.

**BARTHOLOMEW'S** Superior Sewing Machines. Principal Office, No. 40 Broadway, New York. Also, a large stock of FRENCH FURNISHING GOODS, in the city, and at the lowest prices.

**WHEELER & WILSON'S** Sewing Machines. Price greatly reduced. Also, a large stock of FRENCH FURNISHING GOODS, in the city, and at the lowest prices.

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**RICHARD'S COB LIVER OIL JELLY.**—A thoroughly reliable and effective remedy for all diseases of the liver, and for all diseases of the blood. It is a specific remedy for the treatment of Consumption, Dr. Churchill's Discovery, and for all diseases of the liver, and for all diseases of the blood. It is a specific remedy for the treatment of Consumption, Dr. Churchill's Discovery, and for all diseases of the liver, and for all diseases of the blood.

## New-York Daily Tribune.

WEDNESDAY, JANUARY 26, 1859.

**TO CORRESPONDENTS.**—No notice can be taken of anonymous communications. What is intended for publication must be accompanied by the name and address of the writer, and must be accompanied by the name and address of the writer, and must be accompanied by the name and address of the writer.

**Our Mercantile Advertiser.**—The next number of our Mercantile Advertiser will be issued on Saturday, the 29th inst. It will be devoted exclusively to the interests of the Mercantile Public, and will contain a Review of the Markets since our last issue, a carefully prepared statement of the Price Current of all leading articles of Merchandise; also, a Full Report of the Stock and Money Markets, together with such other items of Commercial Intelligence as shall be deemed of special interest to the Mercantile Community.

**Advertisements for THE WEEKLY TRIBUNE of this week must be handed in To-Day. Price \$1 a line.**

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miles west of the dense portion of the city. But now not only the Baltimore, but the Pittsburgh, Reading and other Railroads run into the heart of the city, and the Baltimore is run by steam to its new depot two or three miles further in than formerly. And a perfect network of horse railways has just been spread over the town, almost superseding omnibuses, and taking passengers from the post-office to almost any quarter of the freshly consolidated city.

Brooklyn has in like manner been vied by horse railroads within a few years past; so that seven-eighths of the travel of its citizens is performed by means of them.

Boston, in spite of its narrow and crooked streets, begins to be gridironed by iron tracks. You may now take a car within the shadow of the State House and ride out to Roxbury, and in various other directions.

Baltimore feels the general impulse. A few months since, a petition was circulated through Baltimore street (the Broadway of that city) for a railroad to traverse that great thoroughfare. It was signed by less than a hundredth part of those interested, the immense majority being stubbornly and violently hostile. A year or so elapsed, when another appeal was made; and now we hear that almost every one is signing in favor of the road.

Washington City is about to have a horse railroad through Pennsylvania avenue and so out to Georgetown. There is no opposition to the work itself, but a good deal of scuffling for the grant, which, it is supposed, will be profitable. Meantime, Congress, astonished at hearing of any public improvement being contemplated in that City without a call on the Federal Treasury to pay the shot, are waiting to see if this can really be so.

We presume there is no mistake about it, and that Honorable Members will soon ride to and from the Capitol, the White House, and the Departments, on an iron track.

For the naked fact is that these Horse Railroads in Cities are at once advantageous to the public and profitable to the stockholders. A car is more convenient and comfortable than an omnibus, easier of access, less exposed to accident, and allows the man of business to read his morning paper as he comes down to his store, and his evening paper as he rides home to his dinner. Put a line of omnibuses and one of cars on the same avenue, and after a year's trial, ten persons will take a car to every one who takes a stage.

The economy is even more palpable. A span of horses will draw a car containing forty passengers as easily and rapidly as an omnibus with ten, and with less likelihood of break-down or injury to the team. Of course, the railway track costs more at the start; but we doubt its costing more to maintain after the first outlay. The prices of the stocks of our City railways indicate that they are all doing well.

In view of these facts, is the restriction of our City Railroad System to its present dimensions either feasible or desirable? Would not "the greatest happiness of the greatest number" be promoted by its extension? We speak to practical men, and urge that they look the matter fairly in the face.

The Broadway Parallel Road has never commended itself to our judgment nor our sympathies. It does not seem to be the thing really required. We often want to ride up or down Broadway; we do not care to make the trip via Mercer street; and it seems to us that, should this Parallel project prevail, there will be two classes injured and aggrieved—the passengers, who wish to traverse Broadway, not to sneak around through obscure side-streets and zig-zags to reach an up town lecture or a down town ferry, to stop at Stewart's or attend the Academy of Music; and the owners and renters of Broadway stores, who will see their customers carried around and away from them by the cars. We were about to add that the corporations would find it difficult to drag away the passengers generally from Broadway into the petty side-streets; but we will trust them to keep their own look-out.

Let us briefly indicate what seems to us, on mature consideration, the better project:

1. Run a horse railroad, not through the side-streets proposed, nor any side-streets, but through Broadway itself, with its upper termini at the south southwest corner of the Central Park and its lower terminus at the Fulton, Jersey City and South Ferries respectively.

2. Start a car about every ten minutes from each of the Ferries (or say from the Jersey and South upon the arrival of each boat) and run it through up to the Central Park at a charge of five cents per passenger—and so down.

3. Start another every other minute at the American Museum and run it to Union square only—price three cents per passenger. Let these several cars form a regular line, passing up and down Broadway between the American Museum and Union square at intervals of one minute each.

4. Exclude omnibuses utterly and absolutely from Broadway, and place them on the wider and more frequented side-streets—say Bleecker, University place, Fourteenth, Twenty-third, &c.—and have them run due east and west to the rivers at a charge of three cents for each passenger. Let them run wherever it is thought best, so that they keep out of Broadway.

5. Bid the railroad company to sweep the whole line of streets used by them faithfully every night, carrying off the dirt before morning, and to keep the entire carriage-way in the very best order.

6. Put the grant up at auction, and sell it to the highest bidder. From the proceeds, pay the omnibus proprietors fairly for whatever loss they may have sustained through their exclusion from Broadway; pay any other damages which may have been inflicted by the construction of this railroad, and put the balance of the proceeds, if balance there be, into the City Treasury.

—Such are the outlines of a railroad project which we believe would prove just to all and beneficial to the great majority. We ask for it the consideration of all interested, especially the owners or lessees of Broadway property. We ask them to consider whether it will be well for them to drive travel out of Broadway rather than draw it into that thoroughfare—whether a railroad just outside of their street will not be far worse for them than one in it—and whether one car per minute passing up and one down their magnificent street, with the omnibuses running thereto and therefrom, bringing passengers to Broadway and taking them thence to their business and their homes, will not be every way better than the present wild swelter and anarchy of stages, grinding the pavements into dust and strewing that dust over the costly fabrics displayed on their shelves and in their windows? Let them not consider merely, but act. Manifestly, things cannot and will not remain as they are. Let us resolve, then, to have done whatever must be, and have it done right.

not for the hour, but the age—not for the dozen or the hundred, but for the million.

We had supposed the Hon. Mr. Spencer to be satisfied with criminal business in our police courts; and that he would try and forget everything connected with his former practice while in Albany. We were mistaken. Already he has introduced two bills, one to give, on the trial of all indictments, the closing argument to the criminal's advocate; the other to enable every criminal court to enter a *nolle prosequi*, and to allow the prisoner to plead *autrefois acquit*, when a demurrer to an indictment is overruled.

The criminal practice in this City is not looked upon as respectable; the term criminal lawyer is rather a term of reproach. The persons following exclusively that branch of the profession have little standing in society or their trade. The most of them obtain employment by hanging around the prisons and paying to police officers a commission of thirty-three per cent. on all business they can influence. The District-Attorney would not have a very enviable office if he were compelled by law to listen to the eloquence of these gentlemen without the power of reply.

The prosecutor has the closing argument in every criminal case, for the same reason that the plaintiff has a similar privilege in civil actions. In trying an offender, everything is presumed in favor of innocence; the slightest doubt on the mind of a juror is equivalent to an acquittal; the prosecutor is required to frame the indictment with such technical exactness that the omission or addition of a single word, no matter how trifling, is often fatal to it; he must bring forward evidence to prove that the offense, as stated in the indictment, and none other, has been committed by the accused; the proof must be of so conclusive a nature as to be inconsistent with every conclusion except the guilt of the prisoner. Thus, where a child in a basket was thrown into a river, and never seen afterward, the party guilty of the act was acquitted, because the body of the child was not found, and there was a bare possibility that it might have been picked up alive by some of the many ships in the vicinity. To this effect the judge is bound to charge the jury. So strict is the law, and so strictly do juries follow its letter, that crimes in this community go unpunished, to an alarming extent. Another reason why the prosecutor should have the closing argument is, because he must state in the indictment, with the greatest minuteness, the facts constituting the offense, that the prisoner may know what charge to defend himself against; therefore, the latter cannot be taken by surprise. He has plenty of time to contradict what is alleged against him, while the State knows nothing of the facts constituting his defense. The witnesses for the prosecution are generally known to the prisoner beforehand; if their characters are bad, they may be impeached; but the witnesses for the defense are usually kept in the background until the moment of trial, when the District-Attorney has no time to inquire into or impeach their reputation. Every one complains of the difficulty of punishing criminals—of the immense number of acquittals, in the clearest cases; yet we have never heard of an instance, in this City, where a man perfectly innocent was convicted. What then can be the object of Mr. Spencer's bill, unless he goes upon the theory that society should legislate for criminals against itself?

We should be very sorry to see every criminal court, including the Petty Sessions, able to enter a *nolle prosequi* at pleasure. To do so, under Mr. Spencer's bill, would be only a matter of discretion in the Court, for which it would be amenable to no one. How often a *nolle prosequi* would be entered for political friends or for pecuniary interests, it is impossible to imagine. It would be giving every petty Judge or Justice an unlimited commission to punish or pardon criminals as he pleased.

In regard to Mr. Spencer's bill to allow a prisoner to plead *autrefois acquit*, when a demurrer to an indictment is overruled, it is nothing more than a bill to establish what has always been established. We defy Mr. Spencer to produce an instance within the last two hundred years, where a prisoner was ever refused the privilege of pleading over, after a demurrer. Nothing is better ascertained than that a prisoner may demand and plead over to an indictment at the same time, or that he may plead to the indictment after the demurrer is found against him.

In cases of misdemeanor, a demurrer is attended with the same effect as in civil cases. There is, therefore, little necessity for alteration in the premier, unless the object is to destroy all analogy between civil and criminal law.

If Filibusterism and "Manifest Destiny" were not blind and deaf, they might be admonished by what is now transpiring in the Ionian Islands. Those Islands were accorded to Great Britain at the close of the Napoleonic wars, and have since remained under her undisputed dominion. At least three-fourths of their present inhabitants were born and have always lived under the British flag. And it would be hard to designate another so well calculated to afford them justice, security, protection. They are naturally commercial; England is the most commercial of nations; they are peaceful in their genius, while she is warlike; they are naturally exposed and defenseless, while she is able and willing to protect them thoroughly against all aggressors. The great Napoleon in the zenith of his power could not have caused them a moment's uneasiness so long as "the meteor flag" streamed above them.

And yet these struggling dots of islands unanimously and earnestly desire to be relieved from British protection and permitted to become a part of the Ionian Republic. They are naturally commercial; England is the most commercial of nations; they are peaceful in their genius, while she is warlike; they are naturally exposed and defenseless, while she is able and willing to protect them thoroughly against all aggressors. The great Napoleon in the zenith of his power could not have caused them a moment's uneasiness so long as "the meteor flag" streamed above them.

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